

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37543 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -BAHADURPUR District- PATNA

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Dhiraj Kumar, aged about 19 years S/o Late Suresh Sahani R/o Jhoparpatti,
Bahadurpur, P.S.- Bahadurpur, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surinder Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh,A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-09-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Bahadurpur P.S.Case No.39 of 2016 registered for the offence
under Section 290 of the Indian Penal Code and Section 47(A) of
Excise Act.

The prosecution case, in short, as lodged by the
informant, is that on 2.3.2016 at about 5 A.M., when he along with
other police forces departed from the police station he got
information at 6.30 A.M. that country made wine was being sold
in the hotel of the petitioner (Dhiraj Kumar) in Jhoparpatti at
Bahadurpur and in order to ascertain the aforesaid information
when he reached near the said hotel by Police Jeep, on seeing the

police jeep all the persons present in the hotel fled away. On search of the hotel the informant found 60 bottles containing 200 ml. each country made wine kept in yellow coloured bag inside the hotel. On query the local people, disclosed that the hotel belonged to Dhiraj Kumar who illegally used to sell country made wine. The informant prepared seizure list.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He has further submitted that seizure list was prepared but the same has not been certified by independent witnesses. He further submits that he has no criminal history and considering the first offence and little quantity of the wine found, the petitioner may be enlarged on anticipatory bail.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R. and on search the country made liquor was found from the hotel run by the petitioner and hence, opposes the prayer for anticipatory bail.

Be that as it may, since the petitioner has no criminal antecedent and undertakes not to abscond or tamper with evidence, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of

Rs.10,000/- with two sureties of like amount each to the satisfaction of Sri Sushant Ranjan, Judicial Magistrate 1st Class, Patna City, in Bahadurpur P.S. Case No.39 of 2016 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J)

AnilKrSinha/-

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